



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/427,968	10/27/1999	DAVID P. COOK	26796-2	4007

27683 7590 09/06/2002

HAYNES AND BOONE, LLP
901 MAIN STREET, SUITE 3100
DALLAS, TX 75202

EXAMINER


WORJLOH, JALATEE

ART UNIT	PAPER NUMBER
----------	--------------

3621

DATE MAILED: 09/06/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Interview Summary	Application No. 09/427,968	Applicant(s) COOK, DAVID P. 	
	Examiner Jalatee Worjloh	Art Unit 3621	

All participants (applicant, applicant's representative, PTO personnel):

(1) Jalatee Worjloh. (3) _____.

(2) David O'Dell. (4) _____.

Date of Interview: 27 August 2002.

Type: a) ☒ Telephonic b) ☐ Video Conference
c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☐ No.
If Yes, brief description: _____.

Claim(s) discussed: 6, 12, 13 and 22.

Identification of prior art discussed: none.

Agreement with respect to the claims f) ☒ was reached. g) ☐ was not reached. h) ☐ N/A.

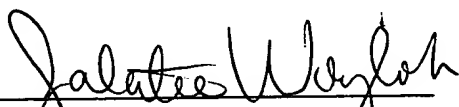
Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Discussed Applicant's Draft After-Final Amendment; Applicant's Official Amendment will overcome the rejections for claims 6, 13 and 22.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

i) ☐ It is not necessary for applicant to provide a separate record of the substance of the interview (if box is checked).

Unless the paragraph above has been checked, THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.


Examiner's signature, if required

Summary of Record of Interview Requirements

Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews

Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

37 CFR § 1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case unless both applicant and examiner agree that the examiner will record same. Where the examiner agrees to record the substance of the interview, or when it is adequately recorded on the Form or in an attachment to the Form, the examiner should check the appropriate box at the bottom of the Form which informs the applicant that the submission of a separate record of the substance of the interview as a supplement to the Form is not required.

It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

To: Jalatee Worjloh
Phone: 703-305-0057
Fax: 703-746-7800

From: David O'Dell
Phone: 972-739-8635
Serial No.: 09/427,968

For Discussion Purposes Only

Examiner Worjloh, provided below are some points that I would like to discuss with regard to the present application. I believe that each of the independent claims are allowable, as we discussed in our meeting last June, without requiring further amendment and without requiring further search or consideration. I've reprinted some of the independent claims to facilitate our discussion and have the corresponding remarks immediately following each claim. Please call me when you receive this and you obtain your copy of the file so that we can discuss this on the telephone. Also, please do not make this document part of the official file.

Claim 13 stands rejected under 103 in light of Zampese:

13. A method for authorizing transactions between a customer that is authorized to use an account and an e-commerce merchant, the method comprising confirming rights in the account by associating an account code with an **account number** associated with the account;

establishing a signature phrase for being used in a plurality of transactions; **linking the signature phrase to the account number** for use in the transactions; indication from the e-commerce merchant that a transaction has initiated, providing an authorization form to the customer, the authorization form being from an entity separate from the e-commerce merchant;

receiving the signature phrase from the customer through a customer response to the authorization form; and

extending rights to the account, normally only associated with the account code, to the signature phrase such that the customer can authorize the transaction made on the account using the signature phrase.

Remarks for Claim 13:

The claim mentions three items: account number, account code, and signature phrase, which are further identified in the specification (pg. 7):

(1) account number (A number that identifies an account. Example - a credit card number)

(2) account code. (A number assigned to an account that indicates rights in the account, such as ownership. Example - a PIN. Note, a PIN does not identify an account, but is used to prove that you have rights to use the account.)

(3) signature phrase. (A phrase associated with an account. In some embodiments, the account *code* and signature phrase are very similar).

Considering the bolded portions of claim 13 identified above, it is clear the signature phrase cannot be the same as the account number because that would make the claim indefinite. Also, while the present spec uses account *code* and signature phrase similarly for some embodiments, they are never equated to the account *number*.

Zampese discusses two types of numbers: an account code and a plurality of transaction codes. (4:44-45). The account code identifies an account. Zampese equates an account code with "a credit card number." (4:48). The transaction codes are intended to replace ordinary PINs or passwords. (4:49-52). In Zampese, an account management system gives each customer a list of transaction codes that are used for transactions (although the transaction codes must be used in the correct sequence). During a transaction, the customer gives his account code (credit card number) and the next transaction code on the list to the merchant, which then provides this information to the account management system. Since the account management system has a list of the transaction codes, it knows which is the next transaction code to be used and can thereby validate the transaction. If a thief intercepts the transaction code during transmission, it will be of no value because each transaction code can only be used once.

I think that the primary confusion is the fact that the present application and Zampese use the term "account code" differently. Fortunately, both Zampese and the present application are very clear about what they mean when they refer to account codes. When comparing Zampese with the present application, the account *code* of Zampese should be compared with the account *number* of the present application. The

transaction code of Zampese should then be compared with the account code/signature phrase of the present application. However, Zampese's transaction code is easily distinguished from the account code and signature phrase of the present application. In fact, Zampese himself distinguishes his transaction code from ordinary PINs and the like. (4:53-56).

Claim 22 stands rejected under 103 in light of Talati and Lineham:

22. (Amended) A method for authorizing transactions over a network, comprising:

receiving, at an authorization system, merchant information and account information after a user has initiated a transaction from a merchant;

verifying that the merchant information corresponds to the merchant;

determining whether the account information corresponds to an **account entry in an authorization database;**

creating an authorization form at the authorization system;

displaying the authorization form to the user;

receiving an authentication phrase from the user;

verifying that the received authentication phrase corresponds to an authentication phrase in the account entry; and

transferring the user to the merchant.

Remarks for Claim 22:

In claim 22, the term "authentication phrase" is a generic term that can include an account code or signature phrase. The authentication phrase from the user is being compared to another authentication phrase stored in the account entry in the authorization database. This is done at the authorization system (as specified in the claim element: "verifying that the received authentication phrase corresponds to an authentication phrase in the account entry.") Talati, on the other hand, has the customer (also called user or originator, see 2:59-60) validate a unique transaction identifier (UTID), instead of a separate authorization system doing it. A transaction administrator sends a

UTID to the customer's computer, and the customer validates the transaction by comparing the UTID provided by the transaction administrator with a list of UTIDs stored on the customer's computer. ("[T]he transaction administrator 60 . . . transmits the data to the originator 50 and requests that the originator validate the transaction request containing the UTID at step 90." (5:8-11) The originator 50 validates the transaction by comparing at step 95 the UTID with a list 100 generated by the processor 70." (5:14-16) The processor 70 is the user/customer's own personal computer. (4:49-50, 58-63).

Basically, Talati's transaction administrator knows the customer's email or telephone number and calls the customer to say "Hey, did you make this transaction?" The customer replies "yeah, that's me" or "no, that's not me." Of course this only works from the customer's home (for phone number) or when the customer is logged into a particular account (for email) because the transaction administrator has to make a separate call. This is very different from the present application which has the authorization system, and not the customer, validate the transaction. In this way, the customer can be anywhere, as long as she knows her authentication phrase.

Furthermore, as for dependent claim 21, while Talati's UTID is only used for one single "unique" transaction, the single authentication phrase of claim 21 is used for multiple transactions.

Claims 12 and 26 and the use of a "Logo"

To resolve the logo rejections, I propose the following amendment to highlight the functional nature of the logo (now generally called "information"):

12. (Amended) The method of claim 13 wherein the authorization form includes [a logo] information identifying the merchant.

26. (Amended) The method of claim 22 wherein the authorization form includes [a logo] information associated with the authorization system.

The 112 Rejection

Claim 6 describes transforming the signature phrase "at the customer." In Fig. 1, the customer 14 is illustrated as being a computer. In the specification, the example of transformation discussed is a Hash function. To better clarify this claim element, I propose the following amendment:

6. (Amended) The method of claim 13 wherein the authorization form includes a transformation system to transform the signature phrase [at] by the customer, and wherein the interface receives the second account number and the second signature phrase in a transformed format.